

JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (See INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

FRANKLYN MEDINA

DEFENDANTS

STERLING INFOSYSTEMS, INC.

(b) County of Residence of First Listed Plaintiff Delaware County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant New York County, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ryan Allen Hancock, Esq., Willig, Williams & Davidson, 1845 Walnut St.,
24th Fl., Philadelphia, PA 19103, (215) 656-3679

Jacob Oslick, Esq., Seyfarth Shaw LLP, 620 Eighth Ave., 32nd Fl.,
New York, NY 10018, (212) 218-5500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1681b(b)(2)

Brief description of cause:
Alleged violation of the federal Fair Credit Reporting Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMANDS

CHECK YES only if demanded in Complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Joel H. Slomsky

DOCKET NUMBER 2:16-cv-4945-JSH (ED Pa.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

MAR 16 2017

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

JHS
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 704 Columbus Court, Wallingford, PA 19086

17

1165

Address of Defendant: 1 State Street Plaza, New York, NY 10004

Place of Accident, Incident or Transaction: Philadelphia, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: 2:16-cv-4945-JHS Judge Hon. Joel H. Slomsky Date Terminated: still pending

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) alleged violation of the federal Fair Credit Reporting Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

Jacob Oslick, Esq.

_____, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

 Attorney-at-Law

PA Atty. ID No. 311028

 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

 Attorney-at-Law

PA Atty. ID No. 311028

 Attorney I.D.#

MAR 16 2017

JHS**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

FRANKLYN MEDINA

v.


STERLING INFOSYSTEMS, INC.

CIVIL ACTION

17 1165
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

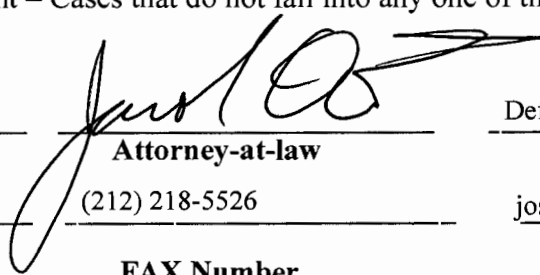
SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)  ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

03/14/2017

Date

(212) 218-5500

Telephone
Attorney-at-law

(212) 218-5526

FAX Number

Defendant Sterling Infosystems, Inc.

Attorney for

joslick@seyfarth.com

E-Mail Address

(Civ. 660) 10/02

MAR 16 2017

SEYFARTH
SHAW

Writer's direct phone
212-218-6480
Writer's e-mail
joslick@seyfarth.com

620 Eighth Avenue
New York, New York 10018-1405
(212) 218-5500
fax (212) 218-5526
www.seyfarth.com

March 13, 2017

17 1165

VIA FEDERAL EXPRESS

The Office of the Clerk of Court
United States District Court
Eastern District of Pennsylvania
Room 2609
601 Market Street
Philadelphia, PA 19106-1797

**Re: *Medina v. Sterling Infosystems, Inc.*,
Civil Action Case Opening**

Dear Clerk of the Court:

Enclosed for filing please find the following original documents:

- **NOTICE OF REMOVAL;**
- **CORPORATE DISCLOSURE STATEMENT** (Original + 2 Copies per F.R.C.P. 7.1(a));
- **CIVIL COVER SHEET;**
- **CASE DESIGNATION FORM;**
- **CASE MANAGEMENT TRACK DESIGNATION FORM;**
- **[ECF] VALIDATION OF SIGNATURE FORM** (pursuant to this court's Electronic Filing Procedures, Local Rule 5.1.2, Section 3);
- **COMPUTER DISK** (pursuant to this court's Electronic Filing Procedures, Local Rule 5.1.2, Section 16); and
- **\$400.00 CHECK** (to issue docket no./commence court action).

At your earliest convenience, kindly date stamp our enclosed file copies (as received for filing by the court) and return same to my attention using the enclosed pre-paid, self-addressed, FedEx envelope.



SEYFARTH
SHAW

Clerk of the Court
March 13, 2017
Page 2

Should you have any questions, please do not hesitate to call.

Respectfully submitted,

SEYFARTH SHAW LLP


Jacob Oslick

Enclosures

cc: Ryan Allen Hancock, Esq.



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANKLYN MEDINA,

Plaintiff,

v.

STERLING INFOSYSTEMS, INC.

Defendant.

Civil Action No. **17** **1165**

NOTICE OF REMOVAL

To: United States District Court for the Eastern District of Pennsylvania

The Clerk of the Court of Common Pleas of Philadelphia, Pennsylvania

Ryan Allen Hancock, Esq.
WILLIG, WILLIAMS & DAVIDSON
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103

FILED

MAR 16 2017

KATE BARKMAN, Clerk
By  Dep. Clerk

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Sterling Infosystems, Inc. ("Sterling" or "Defendant"), by and through its attorneys, Seyfarth Shaw LLP, files this Notice of Removal with respect to Plaintiff Franklyn Medina's ("Plaintiff") Complaint filed in the Court of Common Pleas of Philadelphia County, Pennsylvania Civil Division on February 8, 2017. In support of this Notice, Sterling states as follows:

I. Background

1. Plaintiff commenced a civil action pending in the Court of Common Pleas of Philadelphia County, Pennsylvania Civil Division entitled, *Medina v. Sterling Infosystems, Inc.*, Civil Action No. 002513 (the "State Court Action"). On February 24, 2017, Sterling was served Plaintiff's Complaint. A true and correct copy of the Complaint is attached hereto as Exhibit A.

2. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days of service of Plaintiff's Complaint upon Sterling.

3. Venue is proper in this district under 28 U.S.C. § 1441(a) because this District and division embrace the place where the action will be pending.

4. Written notice of the filing of this Notice of Removal is being delivered to Plaintiff through his counsel of record. A copy of the Notice of Removal will be filed with the Clerk of the Court of Common Pleas of Philadelphia County, Pennsylvania Civil Division.

5. Pursuant to 28 U.S.C. § 1331, and as explained further below, this Court has original jurisdiction over the instant action.

II. Removal is Proper Because This Court Has Federal Question Jurisdiction

6. Under 28 U.S.C. § 1331, "the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States."

7. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over the instant action because Plaintiff asserts a single count for violation of federal law. In the Complaint, Plaintiff alleges that Sterling violated the federal Fair Credit Reporting Act, 15 U.S.C. §§1681b(b)(2). *See* Compl. ¶¶ 84-86.

8. Because Plaintiff asserts a claim under the laws of the United States, this Court has original federal question jurisdiction over Plaintiff's action. Accordingly, removal of Plaintiff's Complaint is proper pursuant to 28 U.S.C. § 1331.

WHEREFORE, Sterling respectfully removes this action from the Court of Common Pleas of Philadelphia County, Pennsylvania Civil Division to the United States District Court for the Eastern District of Pennsylvania.

DATED: March 13, 2017

Respectfully submitted,

By: 

Jacob Oslick - PA Atty. ID No. 311028

Courtney Stieber*

SEYFARTH SHAW LLP

620 Eighth Avenue

New York, NY 10018

Telephone: (212) 218-5500

Facsimile: (212) 218-5526

joslick@seyfarth.com

cstieber@seyfarth.com

Pamela Q. Devata*

John W. Drury*

SEYFARTH SHAW LLP

131 South Dearborn Street

Suite 2400

Chicago, Illinois 60603

Telephone: (312) 460-5000

Facsimile: (312) 460-7000

pdevata@seyfarth.com

jdrury@seyfarth.com

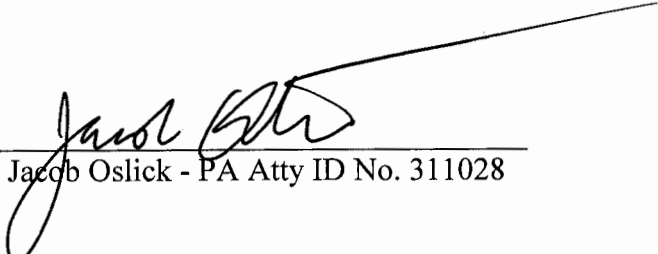
*To be admitted *pro hac vice*

*Attorneys for Defendant Sterling Infosystems,
Inc.*

CERTIFICATE OF SERVICE

I, hereby certify that I caused to be served a true and correct copy of the foregoing
NOTICE OF REMOVAL by Federal Express, on March 13, 2017, upon the following counsel of
record for Plaintiff Franklyn Medina:

Ryan Allen Hancock, Esq.
WILLIG, WILLIAMS & DAVIDSON
1845 Walnut St., 24th Fl.
Philadelphia, PA 19103



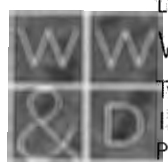
Jacob Oslick - PA Atty ID No. 311028

FILED

MAR 16 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

EXHIBIT A



Law Offices of

Willig, Williams & Davidson

Twenty-Fourth Floor

1845 Walnut Street

Philadelphia, Pennsylvania 19103

(215) 656-3600

www.wwdlaw.com

Ryan Allen Hancock

Phone: (215) 656-3679

Fax: (215) 561-5135

rhancock@wwdlaw.com

February 22, 2017

320037-15

Via First-Class and Certified Return Receipt Requested Mail

Sterling Infosystems, Inc.
1 State Street
24th Floor
New York, NY 10004-1561

Re: Franklyn Medina v. Sterling Infosystems, Inc.
Court of Common Pleas, Philadelphia County,
February Term, 2017, No. 002513

Dear Sir/Madam:

Our firm represents Plaintiff Franklyn Medina in the above-referenced litigation which was filed on February 8, 2017.

Enclosed please find a copy of the Civil Cover Sheet, Notice to Defend, Complaint with Exhibit A and Verification. A response to the Complaint must be filed twenty (20) days after service.

If you have any questions, feel free to contact me. Thank you for your attention in the matter.

Very truly yours,

RYAN ALLEN HANCOCK

RAH/djw
Enclosure

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
FEBRUARY 2017 E-Filed Number: 1702019299 002513	
PLAINTIFF'S NAME FRANKLYN MEDINA	DEFENDANT'S NAME STERLING INFOSYSTEMS, INC.
PLAINTIFF'S ADDRESS 704 COLUMBUS COURT WALLINGFORD PA 19086	DEFENDANT'S ADDRESS 1 STATE STREET 24TH FLOOR NEW YORK NY 10004-1561
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1 COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input checked="" type="checkbox"/> Other: CLASS ACTION
CASE TYPE AND CODE C1 - CLASS ACTION	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PRO PROTHY FEB 08 2017 M. BRYANT </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>FRANKLYN MEDINA</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY RYAN A. HANCOCK	ADDRESS WILLIG, WILLIAMS & DAVIDSON 1845 WALNUT STREET, 24TH FLOOR PHILADELPHIA PA 19103
PHONE NUMBER (215) 656-3679	FAX NUMBER (215) 561-5135
SUPREME COURT IDENTIFICATION NO. 92590	E-MAIL ADDRESS rhancock@wwdlaw.com
SIGNATURE OF FILING ATTORNEY OR PARTY RYAN HANCOCK	DATE SUBMITTED Wednesday, February 08, 2017, 11:41 am

Ryan Allen Hancock, PA Bar No. 92590
Bruce M. Ludwig, PA Bar No. 23251
WILLIG, WILLIAMS & DAVIDSON
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103
Telephone: 215-656-3679
Facsimile: 215-561-5135
rhancock@wwdlaw.com



Attorneys for Plaintiff and Proposed Class Members

FRANKLYN MEDINA,

Plaintiff,

v.

STERLING INFOSYSTEMS, INC.

Defendant.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

FEBRUARY TERM, 2017

No: _____

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107
(215) 238-1701

AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidira favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATA-MENTE SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE
FILADELFIA
Servicio De Referencia E Informacion Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107, (215) 238-1701

IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
CIVIL DIVISION

FRANKLYN MEDINA,

Plaintiff,

v.

STERLING INFOSYSTEMS, INC.

Defendant.

FEBRUARY TERM, 2017

NO. _____

CLASS ACTION

JURY TRIAL DEMANDED

COMPLAINT – CLASS ACTION

Franklyn Medina ("Plaintiff"), by and through his attorneys, on behalf of himself, the Invasion of Privacy Class set forth below, and in the public interest, brings this Class Action Complaint against Sterling Infosystems, Inc. ("Defendant"), pursuant to the federal Fair Credit Reporting Act ("FCRA").

INTRODUCTION

1. This is a case about privacy. Defendant routinely and systematically violates the FCRA's basic protections by providing consumer reports to entities it knows have failed to obtain written authorization prior to procuring criminal background reports on applicants and employees as required by 15 U.S.C. § 1681b(b)(2).

2. As a consumer reporting agency that provides reports for employment purposes, Defendant has an obligation to *only* provide consumer reports to entities that have received written authorization from the subject of the report.

3. However, Defendant ignores this obligation, sending reports to companies it knows do not have proper written authorization.

4. This conduct violates both the clear language of the FCRA and longstanding regulatory guidance governing the circumstances in which consumer reporting agencies may provide consumer reports. Both the legislative history of the FCRA and on-point FTC guidance make clear that a consumer's written authorization is not fungible. Any corporation which procures a consumer report for employment purposes must have written authorization to do so.

5. Defendant's practice of providing background reports on consumers to companies that did not have written authorization was routine and systematic. Plaintiff therefore asserts claims for damages on behalf of himself and a Class of similarly situated individuals on whom Defendant caused a consumer report to be procured without first obtaining written authorization.

6. Plaintiff in this action seeks in excess of \$50,000.00 in monetary damages for himself and the proposed Class, and hence the amount in dispute exceeds the amount requiring arbitration pursuant to the local rules of the Philadelphia Court of Common Pleas.

THE PARTIES

7. Plaintiff Franklyn Medina is an individual residing at 704 Columbus Court, Wallingford, Pennsylvania 19086.

8. Defendant Sterling Infosystems is a Delaware Corporation, with its principal place of business in New York. Defendant does business in every state in the country, including Pennsylvania.

JURISDICTION AND VENUE

9. This Court has jurisdiction over Plaintiff's claims based on concurrent jurisdiction under 15 U.S.C. § 1681p.

10. The Courts of Common Pleas of this Commonwealth are endowed with full authority as provided by law, which extends to causes of action arising under federal law. 42 Pa. C.S.A. § 931.

11. The Court has personal jurisdiction over Defendant.

12. Venue in this Court is proper under Pennsylvania Rules of Civil Procedure 1006 and 2179 because Defendant regularly conducts business in Philadelphia County.

STATUTORY BACKGROUND

13. Despite its name, the Fair Credit Reporting Act regulates not only credit reports, but also criminal background checks. *See* § 1681a(d)(1)(B) (defining “consumer report” as including reports which are for the purpose of establishing the consumer’s eligibility for employment).

14. Enacted in 1970, the FCRA’s passage was driven in part by two related concerns: first, that consumer reports were playing a central role in people’s lives at crucial moments, such as when they applied for a job or credit, and when they applied for housing; second, that despite their importance, consumer reports were unregulated and had widespread errors and inaccuracies.

15. While recognizing that consumer reports play an important role in the economy, Congress wanted consumer reports to be “fair and equitable to the consumer” and to ensure “the *confidentiality*, accuracy, relevancy, and proper utilization” of consumer reports. 15 U.S.C. § 1681 (emphasis added).

16. Through the FCRA, Congress mandated that consumer reports are private.

17. Congress made it illegal for a consumer reporting agency to furnish a consumer report without the recipient having a permissible purpose for doing so. *See generally* § 1681b (“a

consumer reporting agency may furnish a consumer report under the following circumstances and no other...”).

18. Congress also required that anyone who was procuring a consumer report have a “permissible purpose” for doing so. *Id.*

19. Many of the permissible purposes established by Congress do not require the consumer’s authorization or consent. For example, when a consumer applies for credit, the potential creditor may procure a report without even notifying the consumer, much less obtaining the consumer’s permission. 15 U.S.C. § 1681b(c).

20. In the context of reports procured for employment purposes, however, Congress went above and beyond the normal requirement that the person procuring the report merely have a permissible purpose for doing so.

21. With respect to reports procured for employment purposes, Congress required employers to disclose to applicants that a consumer report would be obtained for employment purposes before procuring the report. 15 U.S.C. § 1681b(b)(2)(A)(i). Congress viewed this disclosure as so important that Congress mandated that the disclosure be provided “in a document consisting solely of the disclosure.”

22. In addition to requiring the disclosure Congress also required employers to obtain written authorization from the consumer “for the procurement of the report *by that person.*” 15 U.S.C. § 1681b(b)(2)(A)(ii) (emphasis added).

23. The legislative history of the FCRA clearly indicates that Congress’s purpose in requiring disclosure and written authorization prior to an employer procuring a consumer report was to protect consumers’ privacy.

24. A prime motivation for the FCRA was the impact of third-party data collection on

the employment market and particularly on individual job seekers. When it passed the FCRA, Congress voiced a strong “concern[]” that “permit[ting] employers to obtain consumer reports pertaining to current and prospective employees...may create an improper invasion of privacy.” S. Rep. No. 104-185, at 35 (1995). The FCRA thus “sought to protect the privacy interests of employees and potential employees by narrowly defining the proper usage of these reports and placing strict disclosure requirements on employers.” *Kelchner v. Sycamore Manor Health Ctr.*, 305 F. Supp. 2d 429, 435 (M.D. Pa. 2004), *aff’d*, 135 F. App’x 499 (3d Cir. 2005); *see also id.* at 436.

25. The written authorization requirement at issue here is contained in § 1681b, titled “Permissible Purposes of Consumer Reports.” Absent the job seeker’s informed consent, it is illegal for a company to obtain a job applicant’s consumer report for employment purposes. *See* § 1681b(b)(2)(A) (“[A] person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless” it complies with the disclosure and authorization requirements); *see also Harris v. Home Depot U.S.A., Inc.*, 114 F. Supp. 3d 868, 869 (N.D. Cal. 2015) (“The FCRA makes it unlawful to ‘procure’ a report without first providing the proper disclosure and receiving the consumer’s written authorization.”).

26. As one legislator explained, the FCRA’s protections represented “new safeguards to protect the privacy of employees and job applicants;” the Act as a whole, he continued, was “an important step to restore employee privacy rights.” 140 Cong. Rec. H9797-05 (1994) (Statement of Congressman Vento); *see also* 138 Cong. Rec. H9370-03 (1992) (Statement of Congressman Wylie) (stating that the FCRA “would limit the use of credit reports for employment purposes, while providing current and prospective employees additional rights and privacy protections”).

ALLEGATIONS RELATING TO PLAINTIFF’S CLASS ACTION CLAIMS

27. Defendant operates as a consumer reporting agency that sells reports for employment purposes.

28. Sterling is a consumer reporting agency within the meaning of the FCRA because it sells background reports to paying customers in order to help those customers evaluate applicants and employees for employment purposes. *See generally* www.sterlingtalentsolutions.com (site last visited Feb. 6, 2017); *see also* www.sterlingtalentsolutions.com/About/About-Us (site last visited Feb. 6, 2017) (“Since 1975, we’ve been serving organizations . . . with high quality employment screening and hiring solutions . . . our team of more than 3,500 employees proudly serves over 50,000 customers around the world.”).

29. In addition to preparing, selling and furnishing consumer reports, Defendant also serves as a liaison between companies procuring reports and the consumers who are the subjects of those reports.

30. Specifically, Defendant provides an electronic interface whereby it purports to send an FCRA compliant authorization form to consumers whereby the consumer can authorize Defendant’s client to receive a report on the consumer.

31. Defendant emails authorization forms to consumers/job applicants. The consumers/job applicants can then electronically sign those forms to authorize Defendant’s customer to receive a consumer report about the consumer.

32. This service is valuable to Defendant because it is an additional revenue stream for Defendant’s business. Moreover, it allows Defendant to automate the fulfillment process; as soon as Defendant receives the consumer’s electronically signed form, it sends a report to its customer.

33. In early 2015, Plaintiff applied for work in Philadelphia through a staffing agency called Set and Serve Resources.

34. On or about February 11, 2015, an individual named Ashley Kropp sent Plaintiff an email from an email address called backgroundcheck@aespeo.com.

35. The email said it was "sent by Sterling on behalf of Set and Service Resources."

36. The email asked Plaintiff to click a link taking him to Sterling's website where he would "review and complete an electronic consent and authorization to procure a background check."

37. The email said that before any information was "collected through Sterling's secure website" he would "have the opportunity to learn more about your rights under the Fair Credit Reporting Act and the privacy and security of the information you provide."

38. The email did not mention a company named Omega, LLC. Nor did it disclose that a company named Administrative Employer Services, Inc. ("AES") was going to procure the report, instead of Set and Service Resources.

39. Despite the fact that the email said it was "sent by Sterling, a consumer reporting agency, on behalf of Set and Service Resources" the initials "AES" appeared under Ms. Kropp's name.

40. The email contained no information about who (or what) AES was. It did not include an address, a telephone number, a description of what AES did, or any other information about AES.

41. After Plaintiff clicked on the link to the Sterling site, Plaintiff was presented with the document attached hereto as Exhibit A.

42. Exhibit A purports to be a disclosure form and authorization to procure a background check.

43. Plaintiff signed Exhibit A electronically.

44. Via a separate email on February 11, 2015, Omega Resource Solutions, LLC informed Plaintiff that it had contracted with "SaSR" to enhance the variety of human resources services you receive." Omega's email also informed Plaintiff that, to be eligible for work, he was required to submit an I-9 form.

45. In this email, Omega touted its respect for Plaintiff's confidentiality, stating that it was "committed to a strict standard of confidentiality." The email did not mention background checks.

46. Plaintiff did not wish to work in merchandising any further, and never returned the I-9 form that Omega told him was a condition for continued work.

47. On or around February 12, 2015, Sterling sent Administrative Employer Services, Inc. a consumer report on Plaintiff.

48. Because the report contained information regarding whether Plaintiff had a criminal history, the background check contained information regarding Plaintiff's "character, general reputation, personal characteristics, or mode of living." 15 U.S.C. § 1681a(d).

49. Because the background report contained information regarding Plaintiff's "character, general reputation, personal characteristics, or mode of living," the background check was a consumer report as defined under the FCRA. 15 U.S.C. § 1681a(d).

50. Sterling knew Administrative Employer Services had failed to obtain Plaintiff's written authorization prior to procuring a consumer report on him.

51. Exhibit A, which Defendant sent to Plaintiff, does not mention AES. Instead, Exhibit A mentions only Omega Solutions, LLC ("Omega") as the entity that Plaintiff was asked to authorize to obtain a background check report.

52. AES did not obtain Plaintiff's report from Omega. Rather, Sterling sent Plaintiff's report directly to AES.

53. The FCRA specifically requires that the consumer consent, in writing, to the procurement of the report "by that person" who is procuring the report or causing it to be procured.

54. Absent the Plaintiff's written consent, Defendant lacked any permissible purpose to provide Plaintiff's report to AES.

55. Defendant knew this consent was lacking, because Defendant received Plaintiff's written authorization form, which only mentioned Omega. Further, the face of the report specifically states that it was sent to AES.

56. As long ago as 1998, the FTC opined on the circumstances under which two parties may share consumer reports with one another. *See* Advisory Opinion to Throne (November 20, 1998) available at <https://www.ftc.gov/policy/advisory-opinions/advisory-opinion-throne-11-20-98>.

57. The FTC made it clear that all users of consumer reports must have a permissible purpose for using the report. *Id.*

58. In the context of reports obtained for employment purposes, § 1681b(b)(2)(A)(ii) requires that all users have received written authorization for the "procurement of the report by that person."

59. AES had no such written authorization, and therefore lacked a permissible purpose under the Act.

60. Moreover, Plaintiff's consent to the procurement of the report was not properly informed by Exhibit A, which named only Omega. Nor was it properly informed by the email,

which did not mention Omega at all, but instead said it was being sent by Sterling on behalf of Set and Service Resources.

DEFENDANT'S ILLEGAL BUSINESS PRACTICES

61. Defendant knew that it had an obligation to obtain written authorization before furnishing a consumer report on Plaintiff.

62. Defendant was sued over four years ago for failing to ensure that its customers had obtained written authorization from consumers before furnishing consumer reports. *Ernst v. DISH Network, LLC*, 1:12-cv-08794 (S.D.N.Y. Dec. 4, 2012).

63. Defendant was also recently criticized in an audit conducted by the state of Pennsylvania regarding its compliance with a data use contract with the Department of Transportation. The audit criticized Sterling for, among other failings, having “inadequate controls over the use of personal information.”

64. Despite *DISH*, Defendant continues to play fast and loose with the FCRA’s requirement that consumers consent, in writing, to the furnishing of any consumer report to any person.

65. Defendant ignores the FCRA’s strict privacy protections because it is in its interest to do so. Many of Defendant’s customers are entities with non-traditional workforce arrangements, such as AES (which provides human resource services to third-party employers) or DISH (which uses a network of third-party companies to provide its workforce). The fact that these entities are receiving copies of consumers’ reports is often totally unknown to the consumers, as they have little or (as in Plaintiff’s case) no direct contact with the consumer.

66. Rather than exposing its clients’ business arrangements and revealing the specific identities of the people to whom it is selling reports, Defendant instead feigns compliance with the

FCRA, sending authorizations which name entities other than those to whom it is actually providing reports.

67. Defendant knew that the FCRA governed its actions, and its actions are directly contrary to the FCRA's requirement that the entity procuring the report from the consumer reporting agency must have written authorization to do so.

68. Interpreting the FCRA to allow unnamed parties to obtain consumer reports directly from consumer reporting agencies would directly undermine the requirement of the FCRA that the authorization be for the procurement of the report "by that person."

69. By systematically failing to ensure that its customers had procured Plaintiff's and other Class members' written authorizations to procure their reports, Defendant willfully violated 15 U.S.C. § 1681b.

70. As a result of Defendant's failure to comply with the FCRA, Plaintiff and Class members experienced a concrete injury in the form of having their privacy invaded by Defendant furnishing their consumer reports when it had no legal right to do so.

71. As a result of Defendant's failure to comply with the FCRA's written authorization requirement, Plaintiff and Class members experienced a concrete injury in the form of being deprived of information, namely the true identity of the party that would procure their reports.

CLASS ACTION ALLEGATIONS

72. Plaintiff brings this case as a class action pursuant to Pa. R. Civ. P. 1701-16.

73. Plaintiff asserts Count I on behalf of himself and the proposed **Invasion of Privacy**

Class defined as follows:

All individuals on whom Defendant furnished a consumer report for employment purposes where Defendant was responsible for sending electronic authorization forms to the consumer which named an entity other than the entity to whom the

reports were furnished. Class membership begins on the date two years prior to the filing of Plaintiff's initial Complaint, and continues through the date on which the class list is prepared.

74. The Classes satisfy the requirements of Pa. R. Civ. P. 1702.

75. Numerosity: The Class membership is so numerous that joinder of all Class members is impracticable. Defendant furnished reports on thousands of workers, many of whom are members of the Class.

76. Typicality: Plaintiff's claims are typical of the members of the Class. It is typical for Defendant to furnish consumer reports for employment purposes, and Defendant often furnishes consumer reports to entities other than those named on the authorization forms it provides. The FCRA violations suffered by Plaintiff are typical of those suffered by other Class members, and Defendant treated Plaintiff consistently with other Class members in accordance with its standard policies and practices.

77. Adequacy: Plaintiff will fairly and adequately protect the interests of the Classes pursuant to Pa. R. Civ. P. 1709 because he and his experienced and well-financed counsel are free of any conflicts of interest and are prepared to vigorously litigate this action on behalf of the Classes.

78. Commonality: Common questions of law and fact exist as to all members of the Class and predominate over any questions solely affecting individual members of the Class, including but not limited to:

- a. Whether Defendant furnishes consumer reports for employment purposes;
- b. Whether Defendant furnishes consumer reports to entities other than those named on the authorization forms it receives from consumers;
- c. Whether Defendant violated the FCRA by furnishing consumer reports to entities it knew had not obtained consent as required by the Act;

- d. Whether Defendant's violations of the FCRA were willful; and
- e. The proper measure of damages against Defendant.

79. The Classes satisfy the requirements of Pa. R. Civ. P. 1708.

80. Class certification is appropriate under Rule 1708 because, *inter alia*, questions of law and fact common to the Class predominate over any questions affecting only individual members of the Class, and because a class action is superior to other available methods for the fair and efficient adjudication of this litigation. Defendant's conduct described in this Complaint stems from common and uniform policies and practices, resulting in common violations of the FCRA. Class certification will obviate the need for unduly duplicative litigation that might result in inconsistent judgments concerning Defendant's practices. Moreover, management of this action as a class action is not likely to present any difficulties. In the interests of justice and judicial efficiency, it would be desirable to concentrate the litigation of all Class members' claims in a single forum.

81. In view of the complexities of the issues and the expenses of litigation the separate claims of individual Class members are insufficient in amount to support separate actions.

82. Yet, the amount which may be recovered by individual Class members will be large enough in relation to the expense and effort of administering the action to justify a class action. The administration of this action can be handled by Class counsel or a third party administrator, and the costs of administration will represent only a small fraction of the ultimate recovery to be achieved.

83. Plaintiff intends to send notice to all members of the Class to the extent required by Rule 1712. The names and addresses of the class members are available from Defendant's records.

CLAIM FOR RELIEF

Furnishing Reports to Entities Who Lack a Permissible Purpose

15 U.S.C. § 1681b

(On Behalf of Plaintiff and the Invasion of Privacy Class)

84. Defendant violated the FCRA by furnishing consumer reports on Plaintiff and the Invasion of Privacy Class members which it knew had not obtained the informed written consent required by the FCRA. *See* 15 U.S.C. § 1681b.

85. Defendant acted willfully and in knowing or reckless disregard of its obligations and the rights of Plaintiff and the Invasion of Privacy Class members. In addition to the conduct set forth above, Defendant's willful conduct is reflected by, among other things, the fact that it violated a clear statutory mandate set forth in 15 U.S.C. § 1681b, and that Defendant had documents in its possession which showed it was sending reports to entities which did not have written authorization to receive them. Further:

- (a) The written authorization provision was enacted in 1996 and has been in force since Defendant's founding;
- (b) Defendant's conduct is inconsistent with the FTC's longstanding regulatory guidance; judicial interpretation, and the plain language of the statute;
- (c) Defendant repeatedly and routinely uses the same unlawful documents it provided to Plaintiff with numerous applicants on whom it furnishes consumer reports;
- (d) Despite the pellucid statutory text and there being a depth of guidance, Defendant systematically furnished consumer reports without first obtaining written authorization to do so;
- (e) Defendant has been sued for this same conduct before; and

- (f) By adopting such a policy, Defendant voluntarily ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.

86. Plaintiff and the Invasion of Privacy Class members are entitled to statutory damages of not less than \$100 and not more than \$1,000 for each and every one of these violations, pursuant to 15 U.S.C. § 1681n(a)(1)(A). Plaintiff and the Invasion of Privacy Class members are also entitled to punitive damages for these violations, pursuant to 15 U.S.C. § 1681n(a)(2). Plaintiff and the Invasion of Privacy Class members are further entitled to recover their costs and attorneys' fees, pursuant to 15 U.S.C. § 1681n(a)(3).

PRAYER FOR RELIEF

87. WHEREFORE, Plaintiff, on behalf of himself and the Classes, prays for relief as follows:

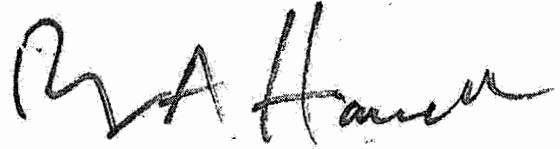
- (a) Determining that this action may proceed as a class action under Rule 1708;
- (b) Designating Plaintiff as a Class Representative and designating Plaintiff's counsel as counsel for the Classes;
- (c) Issuing proper notice to the Classes at Defendant's expense;
- (d) Declaring that Defendant violated the FCRA;
- (e) Declaring that Defendant acted willfully, in knowing or reckless disregard of Plaintiff's rights and its obligations under the FCRA;
- (f) Awarding statutory damages and punitive damages as provided by the FCRA;
- (g) Awarding reasonable attorneys' fees and costs as provided by the FCRA;

- (h) Granting other and further relief, in law or equity, as this Court may deem appropriate and just.

JURY TRIAL

Plaintiff hereby requests a trial by jury of all issues triable by jury.

Date: February 8, 2017



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**ATTORNEYS FOR PLAINTIFF AND
PROPOSED CLASS MEMBERS**

EXHIBIT A

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CONSENT TO REQUEST CONSUMER REPORT & INVESTIGATIVE CONSUMER REPORT INFORMATION

I, Medina Franklyn Ray
 LAST NAME FIRST NAME MIDDLE NAME (PLEASE INCLUDE Jr., Sr., II, III Etc.)

I understand that Omega Solutions LLC ("COMPANY") will use Sterling Infosystems Inc., 1 State Street, New York, NY 10004, (877) 424-2457 to obtain a consumer report and/or investigative consumer report ("Report") for employment purposes. I also understand that if hired, to the extent permitted by law, COMPANY may obtain further Reports throughout my employment for an employment purpose from Sterling. I authorize COMPANY to provide a copy of any reports obtained to any interested parties which requests to see a report or reports as a condition precedent to any work assignment. I may revoke this authorization at any time.

I understand Sterling InfoSystems Inc.'s ("STERLING") investigation may include obtaining information regarding my character, general reputation, personal characteristics and standard of living, driving record and criminal record, subject to any limitations imposed by applicable federal and state law. I understand such information may be obtained through direct or indirect contact with former employers, schools, financial institutions, landlords and public agencies or other persons who may have such knowledge. If an investigative consumer report is being requested, I understand such information may be obtained through any means, including but not limited to personal interviews with my acquaintances and/or associates or with others whom I am acquainted.

The nature and scope of the investigation sought is indicated by the selected services below: (Employer Use Only)

- SSN Trace
- Criminal Background Check
- OFAC/Terrorist Watch List

I acknowledge receipt of the attached summary of my rights under the Fair Credit Reporting Act and, as required by law, any related state summary of rights (collectively "Summaries of Rights").

This consent will not affect my ability to question or dispute the accuracy of any information contained in a Report. I understand if COMPANY makes a conditional decision to disqualify me based all or in part on my Report, I will be provided with a copy of the Report and another copy of the Summaries of Rights, and if I disagree with the accuracy of the purported disqualifying information in the Report, I must notify COMPANY within five business days of my receipt of the Report that I am challenging the accuracy of such information with STERLING.

I hereby consent to this investigation and authorize COMPANY to procure a Report on my background.

In order to verify my identity for the purposes of Report preparation, I am voluntarily releasing my date of birth, social security number and the other information and fully understand that all employment decisions are based on legitimate non-discriminatory reasons.

The name, address and telephone number of the nearest unit of the consumer reporting agency designated to handle inquiries regarding the investigative consumer report is:

Sterling InfoSystems, Inc. | 1 State Street 24th Floor New York, NY 10014 | 877-424-2457 | or | 5750 West Oaks Boulevard, Ste. 100 Rocklin, CA 95765 | 800-943-2588 | or | 8111 Oak Tree Boulevard, Independence, OH 44131 | 800-853-3228

☒ California, Maine, Massachusetts, Minnesota, New Jersey & Oklahoma Applicants Only: I have the right to request a copy of any Report obtained by COMPANY from STERLING by checking the box. (Check only if you wish to receive a copy)

California, Connecticut, Maryland, Oregon, Vermont and Washington State Applicants Only (AS APPLICABLE): I further understand that COMPANY will not obtain information about my credit history, credit worthiness, credit standing, or credit capacity unless: (i) the information is required by law; (ii) I am seeking employment with a financial institution (California, Connecticut and Vermont only - In California the financial institution must be subject to Sections 6801-6809 of the U.S. Code and in Vermont it must be a financial institution as defined in 8 V.S.A. § 11101(32) or a credit union as defined in 8 V.S.A. § 30101(5)); (iii) I am seeking employment with a financial institution that accepts deposits that are insured by a federal agency, or an affiliate or subsidiary of the financial institution or a credit union share guaranty corporation that is approved by the Maryland Commissioner of Financial Regulation or an entity or an affiliate of the entity that is registered as an investment advisor with the United States Securities and Exchange Commission (Maryland only); (iv) I am seeking employment in a position which involves access to confidential financial information (Vermont only); (v) I am seeking employment in a position which requires a financial fiduciary responsibility to the employer or a client of the employer, including the authority to issue payments, collect debts, transfer money, or enter into contracts (Vermont only); (vi) COMPANY can demonstrate that the information is a valid and reliable predictor of employee performance in the specific position being sought or held; (vii) I am seeking employment in a position that involves access to an employer's payroll information (Vermont only); (viii) the information is substantially job related, and the bona fide reasons for using the information are disclosed to me in writing, (complete the question below) (Connecticut, Maryland, Oregon and Washington only); (ix) I am seeking employment as a covered law enforcement officer, emergency medical personnel, firefighter, police officer, peace officer or other law enforcement position (California, Oregon and Vermont only - In Oregon the police or peace officer position must be sought with a federally insured bank or credit union and in Vermont the law enforcement officer position must be as defined in 20 V.S.A. § 2358, the emergency medical personnel must be as defined in 24 V.S.A. § 2651(6), and the firefighter position must be as defined in 20 V.S.A. § 3151 (3)); (x) the COMPANY reasonably believes I have engaged in specific activity that constitutes a violation of law related to my employment (Connecticut only); (xi) I am seeking a position with the state Department of Justice (California only); (xii) I am seeking a position as an exempt managerial employee (California only); and/or (xiii) I am seeking employment in a position (other than regular solicitation of credit card applications at a retail establishment) that involves regular access to all of the following personal information of any one person: bank or credit card account information, social security number, and date of birth., I am seeking employment in a position that requires me to be a named signatory on the employer's bank or credit card or otherwise authorized to enter into financial contracts on behalf of the employer, I am seeking employment in a position that involves access to confidential or proprietary information of the Company or regular access to \$10,000 or more in cash (California only).

Bona fide reasons why COMPANY considers credit information substantially job related (complete if this is the sole basis for obtaining credit information) or in California the COMPANY'S basis for the credit check.

The reason for running a credit report will be provided to me by my potential employer/employer on a separate document.

NY Applicants Only: I also acknowledge that I have received the attached copy of Article 23A of New York's Correction Law. I further understand that I may request a copy of any investigative consumer report by contacting STERLING. I further understand that I will be advised if any further checks are

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requested and provided the name and address of the consumer reporting agency.

California Applicants and Residents: If I am applying for employment in California or reside in California, I understand I have the right to visually inspect the files concerning me maintained by an investigative consumer reporting agency during normal business hours and upon reasonable notice. The inspection can be done in person, and, if I appear in person and furnish proper identification; I am entitled to a copy of the file for a fee not to exceed the actual costs of duplication. I am entitled to be accompanied by one person of my choosing, who shall furnish reasonable identification. The inspection can also be done via certified mail if I make a written request, with proper identification, for copies to be sent to a specified addressee. I can also request a summary of the information to be provided by telephone if I make a written request, with proper identification for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or directly charged to me. I further understand that the investigative consumer reporting agency shall provide trained personnel to explain to me any of the information furnished to me; I shall receive from the investigative consumer reporting agency a written explanation of any coded information contained in files maintained on me. "Proper identification" as used in this paragraph means information generally deemed sufficient to identify a person, including documents such as a valid driver's license, social security account number, military identification card and credit cards. I understand that I can access the following website - <http://www.sterlinginfosystems.com/privacy> - to view STERLING'S privacy practices, including information with respect to STERLING'S preparation and processing of investigative consumer reports and guidance as to whether my personal information will be sent outside the United States or its territories.

Washington State applicants or employees only: You also have the right to request from the consumer reporting agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act.

LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES FOR POSITIVE IDENTIFICATION PURPOSES REQUIRE THE FOLLOWING INFORMATION WHEN CHECKING PUBLIC RECORDS. IT IS CONFIDENTIAL AND WILL NOT BE USED FOR ANY OTHER PURPOSES. PLEASE PRINT CLEARLY.

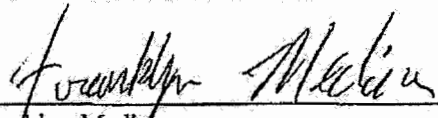
Electronic Signature		2/12/2015	
Signed		Today's Date	
Franklyn Ray Medina		Mechandiser	
Name as it appears on your driver's license		Position Applied For	
134	1/1985	187	PA
Social Security Number	Date of Birth	Driver's License Number	State
Other names you have used or are also known as, including maiden name, name changes and any aliases			
Mo./Yr. / Mo./Yr.			
Current Address:	Redacted	Wallingford	PA Redacted
Street	Apt.#	City	State Zip Code
Former Address:	Street	Apt.#	City State Zip Code
Former Address:	Street	Apt.#	City State Zip Code
Former Address:	Street	Apt.#	City State Zip Code
name	Medina, Franklyn Ray		date
sign	Franklyn Medina		

VERIFICATION

I, Franklyn Medina, hereby state:

1. I am the plaintiff in this action;
2. I verify that the factual statements made in the accompanying complaint are true and correct to the best of my knowledge and belief; and
3. I understand that the statements in the accompanying complaint are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 6, 2017


Franklyn Medina